

Introduced by Senator PavleyFebruary 27, 2009

An act to amend Sections 2525, 2526, 2550, and 2763.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 681, as introduced, Pavley. Statutory adjudication.

Existing law authorizes the State Water Resources Control Board, upon the submission of a petition signed by a claimant to water of any stream system requesting a determination of rights among the claimants to that water, to enter an order granting the petition. After granting the petition, the board is required to investigate the stream system to gather information necessary to making a determination of the water rights of that stream system.

This bill would authorize the board, on its own motion, to proceed with a determination of the water rights of a stream system.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2525 of the Water Code is amended to
- 2 read:
- 3 2525. Upon petition signed by one or more claimants to water
- 4 of any stream system, requesting the determination of the rights
- 5 of the various claimants to the water of that stream system, *or upon*
- 6 *its own motion*, the board shall, if, upon investigation, it finds the
- 7 facts and conditions are such that the public interest and necessity
- 8 will be served by a determination of the water rights involved,

1 enter an order granting the petition *or motion* and make proper
2 arrangements to proceed with the determination.

3 SEC. 2. Section 2526 of the Water Code is amended to read:

4 2526. As soon as practicable after granting the petition *or*
5 *motion* the board shall prepare and issue a notice setting forth the
6 following:

7 (a) The facts of the entry of the order and of the pendency of
8 ~~the proceedings;~~ *proceedings*.

9 (b) That all claimants to rights to the use of water of the stream
10 system are required to inform the board within 60 days from the
11 date of the notice, or such further time as the board may allow, of
12 their intention to file proof of ~~claim;~~ *claim*.

13 (c) The date prior to which all claimants to rights to the water
14 of the stream system shall notify the board in writing of their
15 intention to file proof of claim and the address to which all
16 subsequent notices to the claimant relating to the proceedings may
17 ~~be sent;~~ *sent*.

18 (d) A statement that all claimants will be required to make proof
19 of their claims at a time to be fixed by the board after the
20 conclusion of its investigation.

21 SEC. 3. Section 2550 of the Water Code is amended to read:

22 2550. As soon as practicable after granting the petition *or*
23 *motion*, the board shall begin an investigation of the stream system,
24 of the diversion of water, of all beneficial uses being made of the
25 water, and of the water supply available for those uses, and shall
26 gather such other data and information as may be essential to the
27 proper determination of the water rights in the stream system.

28 SEC. 4. Section 2763.5 of the Water Code is amended to read:

29 2763.5. (a) No exception to the order of determination shall
30 be considered, except in the court's discretion for good cause
31 shown, unless the matter of the exception was presented to the
32 board in the form of an objection. Good cause includes, but is not
33 limited to, the existence of newly discovered relevant evidence
34 which, in the exercise of reasonable diligence, could not have been
35 presented to the board during the board's proceedings.

36 (b) This section does not apply to persons to whom the board
37 did not mail either (1) written notice of the board meeting at which
38 the petition *or motion* pursuant to Section 2525 is to be considered

- 1 as an item of business, or (2) written notice of the pendency of the
- 2 proceedings pursuant to Section 2526.

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